

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

RICKY UPCHURCH as Executor of
The Estate of JUANITA UPCHURCH,
For the use and benefit of the next of kin of
CLAYTON UPCHURCH,
Decedent,

vs.

C.A. No. 2:19-CV-00149-PLR

NATIONAL RIFLE ASSOCIATION (NRA), and
LINA
Defendant.

PLAINTIFF'S MOTION FOR LEAVE TO AMEND

Plaintiff, by his undersigned attorneys, move this court for an order pursuant to Rule 15(a), Federal Rules of Civil Procedure for leave to file an amended complaint. The grounds for this motion are set forth in the accompanying memorandum. The amendments will not result in prejudice to the substantial rights of the defendant.

A copy of the proposed amended complaint is filed with this motion. The amendments are as follows:

1. The plaintiff exercised due diligence and attempted to find the correct business of LINA not incorporated in the State of Tennessee and not listed as a foreign business doing business in Tennessee. As such, the plaintiff moves to add LINA, as a named defendant. The plaintiff moves to maintain the action against both LINA, the principal corporation, as well as the National Rifle Association (NRA), the agent organization, as they both worked in concert to bring about the breach of contract upon the plaintiff.

WHEREFORE, plaintiff respectfully requests that this court grant plaintiff's motion to leave to file an amended complaint.

Respectfully submitted,

RICKY UPCHURCH as Executor of the Estate of
Juanita Upchurch for the use and benefit of the next of
kin of Clayton Upchurch, Decedent

By:

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R. WAYNE CULBERTSON
CERTIFICATE OF SERVICE

I, Joseph W. McMurray, hereby certify that I have forwarded a true and exact copy of the foregoing Plaintiff's Motion for Leave to Amend to the defendant's attorney, Marcie Bradley via email to: mbradley@rswlaw.com.

On this the ____ day of December 2019.

Joseph W. McMurray